

# **CITY OF BRIGHTON PLANNING COMMISSION**

## **MINUTES**

**March 22, 2016**

**Approved as written**

### **I. CALL TO ORDER**

**Chairman Johnston called the meeting to order at 6:03 p.m.**

### **II. ROLL CALL**

Roll call was taken with the following Commissioners in attendance: Matt Johnston, Fidel Balderas, Archie Demarest, Dick Hodge, Farid Jalil.

Alternates, Philip Covarrubias and Chris Maslanik were also present.

The Alternate Commissioners were not seated as voting members.

**STAFF PRESENT:** Jason Bradford, Planning Manager; Cathy Sexton, Associate Planner; Aja Tibbs, Long Range/Historical Planner; Michael Ellsberry, Development Engineer; Casey Ballard, Engineer Technician; Christopher Ernst, City Counsel; Jennifer Holmes, Acting Commission Secretary.

### **III. MINUTES OF PREVIOUS MEETINGS**

Minutes from the March 8, 2016 Planning Commission meeting were approved as presented.

**Motion by Commissioner Balderas**

**Second by Commissioner Jalil**

**Voting Aye: All Present**

**Chairman Johnston requested a change to the order of items on the agenda. He would like to discuss the Local District Plan right after the Brighton Crossing agenda item, and then the Comprehensive Plan to follow. He stated in case there are quite a few citizens that attend the meeting, they will most likely want to discuss the District Plan first. Commission agreed.**

### **IV. PUBLIC INVITED TO BE HEARD ON ITEMS NOT ON THE AGENDA**

None recognized

### **V. PUBLIC HEARING ITEMS**

1. Brighton Crossing Filing No. 5, Preliminary Plat – Cathy Sexton presenting
2. Local District Plan – Aja Tibbs presenting
3. Be Brighton Comprehensive Plan - Aja Tibbs presenting

#### **Brighton Crossing Filing No. 5, Preliminary Plat**

**Chair invited Staff to present, summarized:**

Ms. Sexton entered the staff report into public record and discussed the item as outlined in the staff report. She also confirmed legal publication and posting were completed for this hearing. Staff received no public comments. Ms. Sexton stood ready for questions.

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### **Chair called for questions from Commission to Staff, summarized:**

- Commission asked about future trails. Staff presented a map showing an existing trail, a six foot sidewalk, and a future ten foot trail which will be on the east side of Tower Road.
- Staff stated the city is currently working on a portion of Tower Road and the asphalt paving is planned for late April or early May. The public improvements will be discussed at final platting and the development agreement.

### **Chair called for questions to the Applicant, summarized:**

None recognized

### **Chair called for the public to address Commission as Proponents and/or Opponents to this application, summarized:**

None recognized

### **Chair closed the public portion**

### **Motion to forward to City Council with a recommendation of approval for the Brighton Crossing Filing No. 5, Preliminary Plat.**

**Motion by Commissioner Hodge**

**Second by Commissioner Jalil**

**Voting Aye: All Present**

### **Local District Plan – Aja Tibbs presenting**

#### **Chair invited Staff to present, summarized:**

Ms. Tibbs addressed Commission and entered the staff report into public record. Ms. Tibbs explained that two pieces of evidence were added to their packets after they were delivered. They were received later. One is a letter from Todd Gilcrest and the other is an e-mail from Robert Brown. She discussed the item as outlined in the staff report and explained that the Local District Plan and the Comprehensive Plan are two separate documents and can be approved separately. The City of Brighton has worked together with Adams County and developed an Intergovernmental Agreement (IGA).

Ms. Tibbs stood ready for questions.

#### **Chair called for questions from Commission to Staff, summarized:**

- Commission said the plan makes it easier for developers, meaning less red tape and keeping an open mind about future possibilities.
- Rachel Bacon, Adams County Long Range Planner, 4430 Adams County Parkway, Brighton, CO 80601. Ms. Bacon introduced herself and stated they also see it as a marketing plan to encourage some high quality development to this area.
- Staff stated they have looked at funding. The Parks Directors from Brighton and Adams County have both said they have someone that could work part-time at least for two years. This would enable these employees to start working on all of these ideas as we move forward.
- Staff confirmed they did revise the Land Use Plan and the Land Use Descriptions to make sure they matched.
- Commission requested more discussion on the percentages used in the Plan. Also

- requested, was that all of the appendices be removed.
- Ms. Bacon responded that in order to do this, the county would have to take it to their Board for approval.
- Both Ms. Tibbs and Ms. Bacon agreed that adoption of the plan is more important and a higher priority. The appendices could be removed from this document, but they will still remain as is. They could be termed as supporting information and as a resource used in the Plan. Commission concurred with this idea.
- Ms. Bacon said there is quite a bit of funding available for farmers emerging into new markets.
- Staff informed Commission that there are 69.2 sq. miles allocated through our growth management plan. Right now we only have 20.9 sq. miles incorporated.
- Ms. Bacon stated that clustering can be good for economic and environmental reasons. In addition, it can help to protect more sensitive areas.
- Commission asked how the county and city would handle marijuana being incorporated into the agri-tourism areas. Staff stated the City of Brighton has already determined that there will be no commercial production of marijuana inside city limits and any action to change this has to be approved by City Council. The county has some restrictions in place and marijuana growth and sales are not in the Plan's vision.

**Chair called for the public to address Commission as Proponents and/or Opponents to this application, summarized:**

Tim Ferrell, Farmer, Proponent, 13785 Potomac St., Brighton CO., 80601

Mr. Ferrell stated that he is very proud of this Plan. He said he understands the Plan is not flawless, but he applauds City Council and Adams County. The consultants have been very transparent. He was approached as a land owner, communicated with, interviewed and was a part of the committee that was formed, attended study sessions and community meetings. Mr. Ferrell expressed that this has been an excellent experience for him and thinks it will be good for the community also. He is in favor of the District Plan.

Elaine and Wayne Schaefer, Farmers, Opponents, 136<sup>th</sup> Avenue, Brighton. CO., 80602

Ms. Schaefer owns a 70 acre farm two miles south of Brighton on 136<sup>th</sup> Avenue. Her family has farmed this land since 1908. She does not want to be told by anyone what she can or cannot do with her land. She believes she can do as she pleases whether to sell or farm it. She stated to continue farming in this day and age, it takes outside income to pay for all the expenses necessary to make the farm successful. If she does sell it, she wants commercial prices for the property. Her ground is her bank. Ms. Schaefer stated she does not think anyone here has the wisdom or experience to tell her what she can do with her land. Outside businesses refer to her farm as "hobby farming" due to the amount of acreage. She is not in favor of the Plan.

Wayne Schaefer is Elaine's son and he asked Commission and staff to drive to CR4, south of Vestas, and look at the condition of that farm. He said that is what they will get if they proceed with this Plan.

Wayne Scott, Former City Council member, Proponent, 274 S. 3<sup>rd</sup> Avenue, Brighton, CO., 80601

Mr. Scott stated he has lived in and around Brighton his entire life and understands how important our agricultural heritage is. His grandfather was a farmer. He said he unfortunately witnessed what happened to a good farming area south of town called Welby. He said in developing this Plan you have to think twenty years ahead and cannot

always ask all the questions, as a lot of it is guessing when planning into the future. There is a good idea from all of the public engagement to what the citizens want. He expressed that county property owners do have the opportunity to annex into the city if they want to. Mr. Scott stated he is in favor of it and encourages the Commission to approve the Plan.

**Chair closed the public portion**

**Chair called for discussion among Commission, summarized:**

- Discussion ensued among the Commissioners. They are glad the community has been so involved. Brighton looks very different from twenty to thirty years ago. We do want to be careful not to overregulate everything in order to let people be successful. This Plan is a good conceptual document for moving forward. Commission agreed that the appendices be removed and have them as separate referral documents; not part of the Plan they are voting on. They think the Plan is well done and thanked Staff, the County and the Consultants for their hard work and commented on what a great job they did.
- Counsel said legal opposition could not occur if the appendices were removed.
- Commission suggested including a page stating that the appendices are market studies that were used in the research of this document and are separate of the Plan.
- Ms. Bacon stated it is a good compromise to have a cover page referencing the appendices as having no binding action toward the city and county, and are stated as reference items only.

**Motion to forward to City Council with a recommendation of approval of the Local District Plan draft, subject to the following condition(s):**

1. Up until May 31, 2016, City of Brighton staff is authorized to make minor corrections to the District Plan text, including such corrections as typographical errors, grammar, spelling, etc., to ensure accuracy and consistency throughout the Plan, and to coordinate consistency with any similar Plan proposed for adoption by Adams County; and
2. Although the Commission acknowledges the relevance of certain supporting information contained in the various Appendices, the Commission disapproves of the Appendices as being or constituting any part of the Plan itself. Therefore, Staff shall insert language into the Plan document, to be installed after the Plan text and before the Appendices, clearly indicating that the Appendices are not a substantive part of the Plan, but are attached to the Plan document, if at all, only for reference purposes.

**Motion by Commissioner Hodge  
Second by Commissioner Balderas**

**Voting Aye: All Present**

**Chair called for a five minute break.**

**Be Brighton Comprehensive Plan - Aja Tibbs presenting**

**Chair invited Staff to present, summarized:**

Ms. Tibbs addressed Commission and entered the staff report into public record. She discussed the Comprehensive Plan draft as outlined in the staff report. Ms. Tibbs stood ready for questions.

**Chair called for questions from Commission to Staff, summarized:**

- Staff stated she talked to DRCOG and they do not wish to see any changes in the Plan.
- Staff clarified a referral was sent to Lochbuie, and they did not respond. A referral was also sent to Weld County and their comments were included.
- Commission stated concern about the way several of the maps show the area northeast of Brighton and south of Lochbuie, formerly known as the Eppinger sheep farm, as it looks like it is part of Brighton. Staff assured Commission it not part of Brighton and the map colors reflect that. It had to be included as it is within proximity of our boundary.
- Staff explained that the area east of Barr Lake was not included in the growth boundary, as we do not have the funds for the infrastructure capability and probably won't for the next twenty-five years.
- Commission questioned the IGA with Commerce City in regard to Barr Lake. Commission does not want to see the south area to ever be residential. Staff said the feedback they received is to keep the area as a recreational opportunity. The consultant said they could soften the language. It was re-iterated that the lake is under State management.

**Chair called for the public to address Commission as Proponents and/or Opponents to this application, summarized:**

Tanya Covarrubias, Proponent, Resident, 288 Mayeda Ct., Brighton, CO 80601

Ms. Covarrubias stated she was on the Citizens Task Force and is very pleased with the document. The level of detail that is provided on these new Land Use categories is excellent. They are clear and easy to understand for everyone. She thanked staff for doing a fantastic job and she was grateful to them for letting her be a part of this process.

R. Wayne Walvoord, Resident, 346 Miller Ave., Brighton, CO., 80601

Mr. Walvoord passed handouts to all and explained it is an abbreviated version of his presentation. He thanked the staff, Task Force and the community for doing such a great job. He stated he thinks the aging in place concept is important. He moved here as he wants to retire in Brighton. He likes the term used for the Brighton area - "Breadbasket of the Gold rush". He thinks the goals are well prepared in the Plan.

**Chair closed the public portion at 10:00 p.m.**

**Motion to continue meeting to 10:30 p.m.**

**Motion by Commissioner Demarest**

**Second by Commissioner Balderas**

**Voting Aye: All Present**

**Chair called for discussion among Commission, summarized:**

Commission is in favor of the Plan. Counsel discussed several language changes and clarifications that he noticed in the document. The Consultant stated they can revise these items. Counsel stated the language pertaining to the ditch company jurisdiction, should be changed as they have rights-of- way. Jurisdiction means they have the authority to make law, which they don't. They have the authority to claim a right. Staff stated the ditch company wanted that wording in and our Utility Department supported it. Counsel clarified that once the Planning Commission has adopted the Comprehensive Plan, the City Council cannot deny it, and he suggests this language be changed to just say the city. He does not want to diminish the duty and responsibility of the Planning Commission.

**Motion to forward to City Council with a recommendation of approval for the Be Brighton Comprehensive Plan as drafted with the following condition(s);**

- 1. In order to eliminate any minor spelling or grammatical errors in the final draft, staff is hereby authorized to make minor corrections to the Be Brighton Comprehensive Plan which are not substantive or content based.**

**Motion by Commissioner Jalil**

**Second by Commissioner Balderas**

**Voting Aye: All Present**

**VI. OLD BUSINESS**

None

**VII. NEW BUSINESS**

None

**VIII. REPORTS**

None

**IX. ADJOURNMENT**

**Motion to adjourn at 10:15 p.m.**

**Motion by Commissioner Balderas**

**Second by Commissioner Hodge**

**Voting Aye: All Present**